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February 7, 2007

Secretary Samuel W. Bodman
U.S. Department of Energy
1000 Independence Avenue
Washington, D.C. 20585

Dear Secretary Bodman, *Sam*

Re: State of Utah Comments on the Environmental Assessment for the Divine Strake Test

The State of Utah appreciates the opportunity to provide comments on the Divine Strake test proposed for the Nevada Test Site. Utah opposes this test of a 700-ton conventional explosion, located over a tunnel, within one mile of radioactive contamination from past nuclear tests, upwind of communities and people who know all too well the suffering and death from open-air nuclear tests at the same location. I would like to share some of our concerns through this letter.

Attached you will find more detailed State technical and legal comments. As explained in the attached document, the two public "open house" forums sponsored by the Department of Energy held in Utah were not sufficient to provide for public comment. Therefore, the State of Utah sponsored two public hearings so individuals could provide comments. A compact disc containing the written transcripts, an audio transcript, and written comment is also attached. I would request that my letter and all of the attachments be considered in response to the public comment period for the Divine Strake Environmental Assessment.

This Test is being evaluated under a cursory Environmental Assessment (EA), the minimum environmental review, which anticipates a "Finding of No Significant Impact." That does not make sense. First, a test of this magnitude cannot be evaluated by just an EA. It requires a full Environmental Impact Statement (EIS). The information provided in the EA is not sufficient to consider the impact of the explosion. The proposed EA has failed to fully explain or evaluate technical and environmental impacts. For example:

- PM2.5 concentrations, very fine particles that could contain radioactive isotopes and pose a threat to an individual's health, are not even included in the evaluation;
- Information necessary to understand the size and composition and movement of the explosion's plume is not provided; and
- Modeling conducted for the EA does not reflect conditions during the Test nor does it extend into Utah in order to assure that the federal government's claim of "No Impact" is valid.

Second, there is no assurance that this test will not lead to a resumption of testing at the Nevada Test Site. Any information to be derived from this test (or any further test) will not compensate for the loss of tourism, decline in real estate values, or impacts to the health and welfare of the people of southern Utah, were that to occur.

Third, the Defense Threat Reduction Agency has not justified the need for this test or discussed alternatives to it. Instead of the Divine Strake test, the extensive database of earth penetrating tests, current modeling capabilities, and the ability to transfer data from other situations, such as blasts or earthquakes, could be used to evaluate the bunker busting capability of conventional weapons.

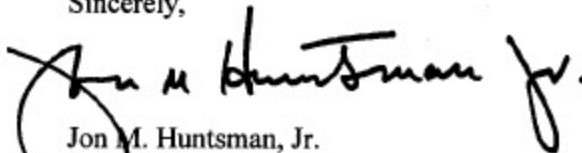
Finally, there is an impact that I doubt even an EIS can sustain, an impact that we should not accept under any circumstance.

People have died because of previous nuclear testing at the Nevada Test Site. Throughout the years, those who survived have been more vulnerable because of the testing. There has been *significant impact* to their health and well-being, an impact that is not acknowledged or resolved.

In addition, the people who survived prior testing should not have to fear that the unexpected or unexplained will happen again. For these reasons and with consideration of the attached comments, I urge you, do not test Divine Strake.

Thank you for your consideration of these comments. If your staff needs additional information or they have questions, please contact Dr. Dianne Nielson, Executive Director of the Utah Department of Environmental Quality at 801-536-4404.

Sincerely,



Jon M. Huntsman, Jr.
Governor

Attachments: State of Utah Comments on the Divine Strake EA
CD of Public Comments from State-sponsored Hearings

cc. Public Information Officer
NNSA/NSO
Divine Strake EA Comments
232 Energy Way
Las Vegas, NV 89030
Dr. Dianne Nielson